



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,682	12/06/2000	Glen Tindal	CNTW-006/00US	8202

22903 7590 12/21/2005

COOLEY GODWARD LLP
ATTN: PATENT GROUP
11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE- RESTON TOWN CENTER
RESTON, VA 20190-5061

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
----------	--------------

2137

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/730,682		TINDAL ET AL.	
	Examiner		Art Unit	
	Michael Pyzocha		2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 21-31 are pending.
2. Amendment filed 10/14/2005 with a request for continued examination has been received and considered.

Claim Rejections - 35 USC § 112

3. The rejections under the second paragraph of 35 U.S.C. 112 have been withdrawn based on the filed amendments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21, 23-24, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Initially Configuring the ATM Switch Router" (hereinafter Cisco) and further in view of Jacobson et al (US 6426959).

As per claims 21 and 27, Cisco discloses obtaining capability-configuration data for the network device, the

Art Unit: 2137

capability-configuration data including commands that can be used to configure the network device (see link "ATM Switch Router Command Reference publication" page 2); obtaining actual-configuration data for the network device, wherein the actual-configuration data corresponds to at least a subset of the capability-configuration data (see pages 33-42); and merging the capability-configuration data and the actual-configuration data into a configuration record for the network device; wherein the configuration record is usable to configure and manage the network device (see whole document).

Cisco fails to disclose the use of the configuration data to effectuate a change using a generic indication.

However, Jacobson et al teaches the use of configuration data used to effectuate a change using a generic indication (see column 6 line 55 through column 7 line 2 and claim 1).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Cisco's configuration records in the configuration system of Jacobson et al.

Motivation to do so would have been to manage all equipment regardless of manufacturer (see column 6 line 55 through column 7 line 2 and claim 1).

Art Unit: 2137

As per claim 23, the modified Cisco and Jacobson et al system discloses retrieving the actual-configuration data directly from the network device (see Cisco pages 33-42).

As per claim 24, Cisco discloses storing in a storage location commands capable of configuring the network device; and including a pointer in the configuration record that points to the storage location (see Cisco link "ATM Switch Router Command Reference publication" page 2).

As per claim 26, Cisco discloses storing in the configuration record commands capable of configuring the network device (see Cisco whole document).

As per claim 28, the modified Cisco and Jacobson et al system discloses the first configuration data includes commands not corresponding to the current configuration of the network device (see page 2).

6. Claims 22 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Cisco and Jacobson et al system as applied to claims above, and further in view of Takahashi et al (US 5901320).

As per claims 22 and 30-31, the modified Cisco and Jacobson et al system fails to disclose storing the configuration records in a repository of configuration records.

Art Unit: 2137

However, Takahashi et al teaches a repository with configuration files (see column 5 lines 7-15).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Takahashi et al's repository to store the configuration files of the modified Cisco and Jacobson et al system.

Motivation to do so would have been to transfer the configuration files (see column 5 lines 7-67).

7. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Cisco and Jacobson et al system as applied to claim 21 above, and further in view of Misheski et al (US 5878432).

As per claim 25, the modified Cisco and Jacobson et al system fails to disclose storing previous versions and pointers to the previous versions.

However, Misheski et al teaches such versions and pointers (see column 13 lines 31-45).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Misheski et al's stored versions to store the configuration data of Cisco.

Motivation to do so would have been to keep tract of the version history (see column 13 lines 31-45).

Art Unit: 2137

8. Claim 29 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Cisco and Jacobson et al system as applied to claim 28 above, and further in view of "Common Information Model - A Developer's Perspective" (hereinafter IEEE).

As per claim 29, the modified Cisco and Jacobson et al system fails to disclose the data include CIM data.

However, IEEE teaches CIM (see page 1).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the modified Cisco and Jacobson et al system's data to include CIM data.

Motivation to do so would have been that CIM is an industry standard.

Response to Arguments

9. Applicant's arguments with respect to claim 21-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGuire (US

Art Unit: 2137

20020161863) teaches the use of generic commands for configuration, but does not qualify as prior art.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER